

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 15, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Bilyeu, Burkett, Darrington, Heinrich, and Hill, absent and formally excused by the Chair; and Senator Schroeder, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Nichole Ball, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 14, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Schroeder was recorded present at this order of business.

February 15, 2008

The JUDICIARY AND RULES Committee reports that **S 1429, S 1430, S 1431, and SCR 130** have been correctly printed.

DARRINGTON, Chairman

**S 1429** was referred to the Finance Committee.

**S 1430 and S 1431** were referred to the Judiciary and Rules Committee.

**SCR 130** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2008

The JUDICIARY AND RULES Committee reports that **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, S 1358, and SJM 109** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1246, S 1247, S 1284, S 1338, S 1346, S 1347, S 1358, and SJM 109**, and ordered them transmitted to the House for the signature of the Speaker.

February 15, 2008

The FINANCE Committee reports out **S 1429** with the recommendation that it do pass.

CAMERON, Chairman

**S 1429** was filed for second reading.

February 14, 2008

The EDUCATION Committee reports out **S 1405, S 1410, and SCR 129** with the recommendation that they do pass.

GOEDDE, Chairman

**S 1405 and S 1410** were filed for second reading.

**SCR 129** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2008

The EDUCATION Committee reports out **S 1403** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1403** was referred to the Fourteenth Order of Business, General Calendar.

February 14, 2008

The HEALTH AND WELFARE Committee reports out **S 1384, S 1398, and S 1426** with the recommendation that they do pass.

LODGE, Chairman

**S 1384, S 1398, and S 1426** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 13, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1259**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 14, 2008

Mr. President:

I transmit herewith **H 397, H 423, H 370, HCR 38, HCR 39, H 431, and H 438** which have passed the House.

ALEXANDER, Chief Clerk

**H 397, H 423, H 370, HCR 38, HCR 39, H 431, and H 438** were filed for first reading.

February 14, 2008

Mr. President:

I return herewith **SCR 124, S 1260, S 1270, and S 1271** which have passed the House.

ALEXANDER, Chief Clerk

**SCR 124, S 1260, S 1270, and S 1271** were referred to the Judiciary and Rules Committee for enrolling.

February 14, 2008

Mr. President:

I transmit herewith Enrolled **H 356, H 349, H 357, H 358, and HCR 36** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 356, H 349, H 357, H 358, and HCR 36** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President Pro Tempore announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Nate Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Langhorst, seconded by Senator Little, the Gubernatorial appointment of Nate Fisher as Administrator of the Office of Species Conservation was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Darrington was recorded present at this order of business.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of Dean Buffington and Senator Brad Little was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of Dean Buffington as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Senator Brad Little as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**H 397 and H 423**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

**H 370**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**HCR 38**, by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

**HCR 39**, by Environment, Energy, and Technology Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 431** and **H 438**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1357** and **S 1362**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1418**, **S 1352**, **S 1354**, and **S 1353**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**H 419**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 420**, by Local Government Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1380** was referred to the Fourteenth Order of Business, General Calendar.

Upon the request of Senator Davis, **S 1394** and **S 1395** were removed from the Consent Calendar.

**S 1373** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Little, and Stegner.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Bilyeu, Burkett, Heinrich, and Hill, absent and formally excused by the Chair; and Senator Davis.

The President Pro Tempore directed the Sergeant at Arms to find and present Senator Davis to the Senate.

Senator Davis was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1373** pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Burkett, Heinrich, Hill. Total- 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1373** passed, title was approved, and the bill ordered transmitted to the House.

**S 1374** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Burkett, Heinrich, Hill. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1374** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **S 1350** retained its place on the Third Reading Calendar for one legislative day.

**S 1370** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Burkett, Heinrich, Hill.  
Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1370** passed, title was approved, and the bill ordered transmitted to the House.

**S 1371** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Bilyeu, Burkett, Heinrich, Hill.  
Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1371** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Monday, February 18, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary